

the most jealous circumspection, against the introduction of new and arbitrary forms of trial, which, under a variety of plausible pretences, may in time imperceptibly undermine this best preservative of liberty.

And further.—“The 17th section of the 9th article of the constitution of Ohio says that ‘No person shall be transported out of the State for any offence committed within the State.’” A writer who has rallied on the side of the law, remarks that this provision “obviously has reference to punishment for crimes.” Here we beg leave to differ from him. As a consequence of the constitution of Ohio, it is an infringement of so many rights can be, and when it declares that no person shall be transported for any offence, we cannot mistake its meaning. It does not refer exclusively to ‘punishment for crimes;’ offence is the word made use of, and the offence of which the blacks are guilty, is their failure to give bond for their good behavior and to indemnify the State. They should be transported out of the State, and it is evident that the constitution expressly forbids us from transporting any man, even for committing the crime of murder, and yet we are told we can do so for the light of offense of failing to give bond in the sum of five hundred dollars. I have now advanced all the reasons relied on to establish the unconsummability of the law, regulating black men, and we beg leave to add, we can see a few words of the impracticability of its execution.

No officer of Ohio can be clothed with power to execute any law beyond his jurisdiction. He cannot enter the limits of a neighboring State without violating the sovereignty of that State. Of course, if a negro’s last place of residence is Virginia, the State of Kentucky will have no interest, by process from Ohio, to do an act tantamount to a declaration of war.

The Legislature have therefore enacted a law void and nugatory from its birth, as it is impossible to enforce it under any circumstances. The Trustees of the Poor have no interest in it, in causing many persons to sacrifice their property and leave their homes, by threatening them with the consequences of an act of the Legislature they cannot execute.

BLACKSTONE,

THE PHILANTHROPIST.

EDITED BY O. BAILEY, JR.

CINCINNATI,
Wednesday Morning, December 1, 1841.

COMPROMISES OF THE CONSTITUTION.

Rule of Representation.

(Continued.)

July 24.—A Committee of Detail was constituted, to which was reported all the resolutions adopted by the House, with instructions to report a constitution conformable thereto.

August 6th.—The Committee made their report; containing substantially the provisions in regard to direct taxation and representation, as they now appear in the Constitution.

Article 4, section 3, apportioning representation among the States was taken up, when Mr. Finchney moved that South Carolina be allowed 6 representatives. The motion failed, when it was agreed to, “After Carolina comes 4 more, & then 4 more, & then 4 more,” as follows:

Mr. Wilson moved to strike out “and then 4 more,” and to insert the words, “according to the ratio hereafter to be provided for direct taxation.” The motion prevailed, New Jersey and Delaware voting in the negative.

[It will be recollectcd that Mr. King of Massachusetts had previously avowed himself in favor of conceding something to the South, inasmuch as the North could not otherwise expect certain commercial advantages. Finding that the equivalent had not been yielded, he began to grow scrupulous about the concession.]

Mr. King wished to know what influence the vote just passed was to have on his bill, respecting the Report concerning the admission of slaves in the new State of Missouri. He could not reconcile his mind to the Article, as it was to prevent objections to the latter part.

The admission of slaves was a most glaring circumstance to his mind, and he believed would be so to a great part of the people of America. He had not made a strenuous opposition to it heretofore because he had hoped that this concession would be made to him, which had not been manifested, to strengthen the General Government, and to mark a full confidence in it.

Mr. Dayson seconded the motion. He did not believe that his sentiments might appear to be in any way adverse to the measure made, and to insert the words, “according to the ratio hereafter to be provided for direct taxation.” The motion prevailed, New Jersey and Delaware voting in the negative.

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Mr. Sherman, (of Connecticut,) regarded the slave-trade as iniquitous; but the point of respect, and the point of difference, was, that he himself bound himself to make opposition; especially as the present Article, as amended, did not preclude any arrangement whatever on that point, in another place of the Report.

Mr. Sherman and Mr. Madison moved to insert the words, “not exceeding,” before the words, “one for every forty thousand;” which was done.

Mr. Government Morris moved to insert “first” before the word “inhabitants.” Much, he said, would depend on this point. He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of Heaven on the states where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the

prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other states having slaves.

While completely waging with the appearance and practice of slavery. The moment you leave the Eastern states, and enter New York, the effects of the institution become visible. Passing through the Jerseys, and entering Pennsylvania, every criterion of superior intelligence and refinement witness the change. Proceeding through the great regions of slavery presents a desert, increasing with the increasing proportion of these wretched beings. Upon what principle is it, that the slaves shall be complicit in the representation? Are they men? Then are they citizens, and let them vote. Are they property? Why then is no other property included? The admission of slaves into the country is an infringement of so many rights can be, and when it declares that no person shall be transported for any offence, we cannot mistake its meaning. It does not refer exclusively to ‘punishment for crimes;’ offence is the word made use of, and the offence of which the blacks are guilty, is their failure to give bond for their good behavior and to indemnify the State. They should be transported out of the country, and it is evident that the constitution expressly forbids us from transporting any man, even for committing the crime of murder, and yet we are told we can do so for the light of offense of failing to give bond in the sum of five hundred dollars. I have now advanced all the reasons relied on to establish the unconsummability of the law, regulating black men, and we beg leave to add, we can see a few words of the impracticability of its execution.

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pointed out strong enough to correct this mercenary spirit in the free States, it is a view of the results which have followed this fatal compromise.

The refusal of the North to accede to the demand of the South would not have prevented Union. The Southern delegates might have held out a long while, but none, save the delegates from South Carolina and Georgia, would have declared such a stand on the part of the Northern members, sufficient cause for division; and they would soon have relented.

Suppose such had been the position of the North, what evil would have been prevented?

The government would not have been plagued under the control of the slave power. No new slave states would have been admitted. Slave-trade would have been prohibited in the territories. No Missionary struggle would have disgraced our annals.

Questions with regard to a tariff would have been settled by reason, not terror. Executive action in favor of slavery, congressional gag-Texas plots, Florida negro hunts, pro-slavery prescriptions, burning of border-mobs, would never have been heard of. There would always have been power enough in the representation from the free states, notwithstanding its pug divisions, to have prevented slavery from getting the balance of power. We should have had no Presidential electors chosen by the several states according to the number of their representatives and senators, thus virtually giving the slave states 25 more votes than they are entitled to.

No distribution bills, granting money according to the same ratio, thus giving to the slave states an absolute premium for their slave property.

On the contrary, so insignificant would the Southern states have felt, being represented merely in proportion to their free inhabitants, that they would have been continually urged by an accumulating pressure of self-interest, to emancipate their slaves. A sense of duty and love of power would have unitd to drive them to this same result. Perpetual slavery, and perpetual political degradation would have been one and inseparable. Before this, for the sake of regaining their lost consequence, if nothing else, the Southern states would have concerned their laboring population into freedom. On this compromise concession to the Slave Power, our day, with all its manifold and accumulating moral and political evil. Could the sages of the North have foreseen what was to spring from this, to them apparently small, divergence from the Right Principle, how world their minds would have been disturbed by this guilty compromise! Let us learn from their unfortunate policy, that the path of duty alone is the path of safety—that rules norme on until the traveler finds himself in doubt, darkness, amidst snare, pitfalls and perils, where to recede or advance alike is apprehended.

The Convention at Columbus will be a highly important one. From it will date the commencement of the attempt at a general political anti-slavery organization for the state. How will this right character be impressed upon it in its first operations? We hope those of our friends, who have not yet made up their minds entirely on the question, if they intend to continue with us, will be present; and as it is a question of expediency, instead of surviving to that of the physical improvement of their personal spiritual end, that the physical degradation of their posterity was too deep to allow of any general spiritual improvement. The poor laborer here has the plenty in other lands, and curses the government that allows an arrogant aristocracy to doom him to starvation. Take the following extracts from English newspapers.

“LONDON.—There are in this borough 747 families, consisting of 3,960 individuals, constituting 10,142 persons. There are 214 families, each with two or three children, who have no means of subsistence whatsoever. And we are informed that the average wage per head per week of 4723 families constituting 10,928 individuals, is nothing more than 11d. These are astounding statements, but we are statement which the Enumerators assembled to the fact, after having made a searching investigation when counting the number of families slave-state.—*Leeds Mercury.*”

“TENWORTH.—Tewkbury is a manufacturing town, consisting of 1,100 houses, situated on the river Teme—in the first house which I entered, I saw an aged woman, with her daughter, sitting at the door, her hand aching, and the fingers she and her daughter could not move a whit. Her husband, a man of middle age, sat at the door, leaning his back against the door, & were five shillings, two of which were lent to the eye none of the comforts and conveniences of life. They had no food, and when I asked for the purchase of food, she said, ‘We have not a morsel of meat had entered their house for eight weeks; there was a large barrel put into the house, containing potash, and the house was a mere hole, and the rent of the room, & were five shillings, two of which were lent to the eye none of the comforts and conveniences of life. 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Form of a Memorial.

The following form of a Memorial was recommended by the ladies' convention last June, at Mount Pleasant, to be circulated throughout the State;

FORM OF MEMORIAL.

We, the memorialists, citizens of Ohio, would respectfully represent to your honorable body, that the law enacted in 1831, providing for the better regulation of colored persons for taxation for school purposes, was operative until the year 1839; so that during this period while colored persons paid their just proportion into the common school fund, their children were excluded from its benefits.

Thus, in the Assembly of 1838, a resolution was passed designed to remove this grievance, and to be levied, but a temporary and artificial relief—at least it is desired by your memorialists, to be an immediate corrective, the property of blacks and mulattoes still being generally taxed for school purposes, while they would be excluded from all common school property.

That, in the judgment of your memorialists, the property of the colored people, and the corresponding clause of the law, are still requiring to be remedied in it, a provision which, while it will leave the property of colored people to be taxed on the same principles as that of white people, will appropriate to the education of the children of the former so much of the proceeds of taxes on their property, as has been laid for school purposes.

That as in the case of white people, it would be fairer to tax the property of colored people, than to tax the education of colored people than to have them upon their own voluntary efforts.

Therefore, your memorialists would respectfully pray you, however, to direct the refunding of all monies which have been received by the property of colored people for school purposes, under the original organization, for the appropriate managing and protection of free schools, except the property of blacks and mulattoes from taxation for school purposes, and also provide, that hereafter, all monies received from their property for school purposes, be appropriated to the education of their children in the way which the wisdom of the legislature may deem proper to direct.

And your memorialists will, etc., &c.

GEORGIA AND NEW YORK.

The truth with regard to the slave case between Georgia and New York, may we presume, be gathered from the following:

IN SPIRITS.—The American Citizen says, that the Liberty vote in N. York state, cannot fall below 7,000, and may probably reach 10,000. They are preparing for a new organization of their forces in that state, by forming associations in towns and districts under an obligation like the following:

"Art. 7. We the undersigned, inhabitants of the town of Oberlin, for the purpose of procuring the emancipation of the American slave, and restoring liberty to our slaves, do hereby agree to use our own personal exertions to enlighten and convert our neighbors, and to men of every country to the use of anti-slavery tickets, for the payment of their taxes for school purposes, and thereby to enter into an argument with you on the subject."

Yours,

For the Philanthropist.

DR. BAILEY:—Sir,—In your comments on my note of Nov. 8, you say you are glad Mr. Reeder considers it disgraceful at least to be a citizen of a free state to be a slaveholder. My note, however, was not so much inquiring what you should be the judge of my opinions on the subject of slavery. You will please to publish this note with my note of Nov. 8th, and your comments on it, and there let the matter rest. I do not wish to enter into an argument with you on the subject.

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I am sorely tempted to say some sharp things to neighbor Reeder—but he may pass. Only the man who is unwilling to consider, or to let it be known that he considers, it disgraceful to the citizen of a free state to be a slaveholder, is a fit object of pity.

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COLONIZATION.

DR. BAILEY:—This scheme of benevolence to the world, which has received a new impulse since the most recent revolution in Cincinnati, deserves to be considered, that the best way to relieve us of our colored slaves, is to transport them to some foreign clime! And why? O, because it is the land of their fathers! And will it be laid down as a principle that a man ought to colonize the land of his forefathers? Well, just apply this principle. Some of my ancestors came from England, and therefore I must be colonized there, and after I get there, it is sanctified that their fathers came from Germany, and the ancestors of those in Germany, came from Turkey, and theirs from China; and so I might be colonized from one end of the earth to the other, where would there be a restful place?

Resolved, That the Liberty party in Boston heartily send greeting to the Liberty party throughout the Commonwealth, to whom their hopes are bright and strong, and in view of their past efforts to be colonized to the place from which his father came. How is it that none of the colored people cannot be interested in this scheme? Why is it that they have a natural repugnance to this kind and benevolent proposal? It is because they cannot be brought to see the way in which this will promote their happiness? Could not something better be devised for promoting the elevation of the black man to virtue and happiness—such as instructing them in schools, Sabbath schools &c. and giving them a more complete, efficient and vigorous organization, for the appropriate managing and protection of free schools, except the property of blacks and mulattoes from taxation for school purposes, and also provide, that hereafter, all monies received from their property for school purposes, be appropriated to the education of their children in the way which the wisdom of the legislature may deem proper to direct.

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G. A. MERRILL, Chairman.

MR. GERRIT SMITH, is informed that the \$20 forwarded for the colored people, has been applied as he wished; also the \$10 given to the Philanthropist.

THE WHITE SLAVE.—A friend inquires what has become of the white woman, who for so many years was a slave, and finally recovered her freedom. We know not. She left here for the South intending to procure the release of her children; and that is the last we have heard of her. We fear she has been harshly dealt with.

RAIL ROADS.—According to the Chronicle, of the 1000 miles between here and Boston, nearly two-thirds of the distance is paved rail road. From Boston to Buffalo, 570 miles; Ohio Rail Road, 40; Little Miami, 15; under contract, about 100; not commenced, 238.

SEIZURE OF AMERICAN VESSELS.—A correspondence between Mr. Stevenson and Lord Palmerston, in 1840, touching the seizure of American vessels on the African coast, on the charge of being engaged in the slave trade, has been published. It is not very interesting. It is said, that a warmer correspondence was carried on this year, just before Stevenson left, which has not yet seen the light. It is thought that there are difficulties of no small magnitude.

SPIRIT OF LIBERTY.—W. H. Burleigh has retired from the associate editorship of this paper, for a conclusive reason—he cannot labor for nothing. He has received scarcely anything in Pitsburgh for his invaluable editorial services. He is now editing a paper in Allegany, devoted to Temperance, Literature and General Intelligence.

BUSINESS IN CINCINNATI.—According to the Gazette, about 200 flat boats were lying at the landing on Friday, loading, unloading or preparing for business.

ACCOMMODATING.—It is stated, that from 5 to 10 drug shops have been licensed by our City Council, near the theatre, on Sycamore, between 3rd and 4th, within the space of 400 feet. They are accomodating to the theatre-going genty.

COL. W. N. HUNTER, late a member of Congress from Sandusky county, recently went out on a hunting expedition, separated from his companions, and has not been heard of for several weeks.

I remain yours, &c.,
VERO CATHOLIC.

DR. BAILEY:—At present a member of the United Brethren in spirit.—How long she will stand, almost alone, among the churches, as to condemning sin, God only knows.

* * * Take calm," says Jeremiah "for healing, perhaps he will be dead,"—but that was rather ironical.

LIBERTY CONVENTION AT MILAN, ILLA.—A prominent to critics, a large number of the friends of human rights, assembled in Free Will Baptist Meeting house, in Milan, Illinois, on Oct. 18th, 1840. At 10 o'clock A. M. After a most appropriate prayer by Dr. Bennett, the meeting was organized by calling Rev. J. Ide, the chair, and apointing Benjamin Philbrick, Secretary.

On motion, a committee of five was appointed to draft a preamble and resolutions expressive of the sense of this meeting on the great subject which called them together.

Said committee after retiring for a short time, returned and reported the following preamble and resolutions.

WHEREAS our forefathers proclaimed to the world, "That all men are created free and equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness," and that for the support of this Declaration, a firm reliance on the protection of Divine Providence, they mutually engaged to "hold their lives, their fortunes, and their sacred honor." And whereas we believe that the right of holding in absolute ownership, that which we call our slaves, is inconsistent with a feeling of our infirmities, and experienced the ignominy and degradation of being made "merchandise" of, and of passing the clerical office of being sold and bought, and put to death on a verdict of a unanimous jury. We did, and are still compelled to do, this.

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NOTWITHSTANDING all this, Mr. Tyler seems to think it not such a dreadful thing to be eaten up—for in the Virginia Convention, 1829, he went with the slavery party against a free basis representation.

American Citizen.

by demands of slavery, but the entire relinquishment of our most sacred rights, sacred not only from the inherent principles which they contain, but sacred because the Constitution of our country has declared them so, to be a slaveholder. My note, however, is, that you are the judge of my opinions on the subject of slavery. You will please to publish this note with my note of Nov. 8th, and your comments on it, and there let the matter rest. I do not wish to enter into an argument with you on the subject.

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RECD.—That we as citizens of this great and mighty Republic, and more especially as citizens of Indiana, will use all our means in our power to strike from our state books every law which goes to strengthen slavery, and not out interest, endeavor, by enlightening the public mind on the starting dangers of slavery—to oblige them to enter into an argument with you on the subject.

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Resolved, That the Christian church, by closing doors against the discussion of slavery, and by passing censures upon her members for no other reason, than that they have denied it a christian duty to oppose and rebuke the proud and despotic spirit, not only in the church, but also in the state, and threatening the excommunication of the members for other reasons, will do more to strengthen the slaves than any other power can do. Let us, then, close the church doors, to the glory of God, and to the shame of the church.

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Resolved, That the spirit of despotism which has so often disgraced our country for the last few years, is the legitimate fruit of slavery; and that unless checked in its mad career, and frownd down by law-abiding citizens, it will sweep away the entire overthrow of our civil and political institutions.

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